

Sealed

Public and unofficial staff access
to this instrument are
prohibited by court order

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

United States Courts
Southern District of Texas
FILED

May 07, 2025

Nathan Ochsner, Clerk of Court

UNITED STATES OF AMERICA

vs.

JORGE ALBERTO GALVAN

§
§
§
§
§
§

CRIMINAL NO. 4:25-cr-00226

INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT ONE

(Title 18 United States Code, Section 371 – Conspiracy)

A. INTRODUCTION

At all times material to this Indictment:

1. The Gun Control Act

- a. A “firearms dealer” is any person engaged in the business of selling, renting, leasing, or loaning firearms. The Gun Control Act states that no person shall deal in firearms until he or she has filed an application to do so with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (hereafter “BATFE”) and received a Federal Firearms License (hereafter “FFL”) issued by the BATFE.
- b. Each Federal Firearms Licensee (hereafter “licensed dealer” or “FFL”) must maintain records of the receipt, sale or other disposition of firearms at their place of business as long as the business is in operation. Upon the closing of such business, the FFL must forward all of the required firearms records to the BATFE Out of Business Section where they are maintained indefinitely.
- c. The law requires that each FFL maintain in a bound book the record of every firearm receipt, sale, or other disposition. Such record must include the name and address of

the person to whom the dealer sells or otherwise disposes of any firearm. The BATFE may inspect the premises, inventory, and record keeping requirements, or trace a firearm sold by the FFL that was later recovered in a crime.

2. The ATF Form 4473 (Firearms Transaction Record):

- a. The BATFE Form 4473 (hereafter “Form 4473”) is a document FFLs use and maintain to create a written record of each firearm sale or disposition. The Form 4473 is completed in part by the FFL and in part by the firearms purchaser at the time a firearm is sold or otherwise disposed of. The Form 4473 memorializes that an FFL has taken all precautions required by the BATFE and their license to ensure that they do not transfer a firearm to a person who is prohibited from possessing it. Accordingly, among other things, the Form 4473 requires that the purchaser truthfully answer a series of questions about the firearms transaction.
- b. One important question asked of the firearms purchaser is, “Are you the actual transferee/buyer of the firearm(s) listed on this form and any continuation sheet(s) (ATF Form 5300.9A)?” (Question 21.a. Revised December 2022 form.) The block on the Form 4473 containing this question states: **“Warning: You are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you.”** In addition, the Form 4473 certification section asks the purchaser to certify as follows: **“I understand that by answering ‘yes’ to question 21.a. if I am not the actual transferee/buyer is a crime punishable as a felony under Federal law, and may also violate State and/or local law.”** FFLs must keep each executed Form 4473 at their place of business and must make them available

to the BATFE for inspection.

- c. The purpose of the Form 4473 is threefold. First, it causes FFLs and prospective firearm purchasers alike to note any legal impediments to the consummation of a firearms sale before deciding to proceed. The second is to acquire sufficient information about the purchaser to enable the Federal Bureau of Investigation (hereafter “FBI”), through its National Instant Background Checking System (hereafter “NICS”), to perform a criminal history check of the purchaser to verify they are not prohibited from possessing a firearm because of a prior felony conviction or status as an illegal alien, among several other prohibitions. Third, the ATF Form 4473 creates a traceable record of the sale of a firearm that permits law enforcement officers in an ongoing criminal investigation involving a firearm to trace the firearm to its last known purchaser.
- d. The information provided by the purchaser of a firearm on the Form 4473 must be true and accurate. It is a felony offense for any person to knowingly provide false information on a Form 4473.

B. OBJECT OF THE CONSPIRACY

Beginning on or about December 1, 2022, and continuing thereafter until on or about April 1, 2023, in the Houston Division of the Southern District of Texas, the defendant,

JORGE ALBERTO GALVAN

did knowingly combine, conspire, confederate, and agree with other persons known and unknown to the Grand Jury, in connection with the acquisition of firearms from licensed dealers of firearms within the meaning of that term in Chapter 44 of Title 18 of the United States Code, to knowingly make false written statements and representations to said licensed firearms dealer with respect to

information required by the provisions of Chapter 44 of Title 18, United States Code to be kept in the records of the licensed dealer, in that the conspirators represented on ATF Form 4473s that they were the actual buyers of the firearms, when in fact, as the defendant well knew, they were not the actual buyers of the firearms, in violation of Title 18, United States Code, Sections 924(a)(1)(A) and 924(a)(1)(D).

C. MANNER AND MEANS OF THE CONSPIRACY

It was part of the conspiracy that:

- (1) JORGE ALBERTO GALVAN and others known and unknown to the grand jury would communicate with a person, C.D. 1, in Houston, Texas from whom they would order specific firearms. C.D. 1 would then have another person, C.D. 2, acquire the firearms from a Federal Firearms Licensee for GALVAN. Once C.D. 2 had purchased the firearms, he/she would transfer them to C.D. 1.
- (2) GALVAN would then meet C.D. 1 and take possession of the firearms. GALVAN paid for the firearms in cash. The price GALVAN paid C.D. 1 covered both the cost C.D. 1 paid for the firearms plus a profit C.D. 1 realized for arranging the transaction.
- (3) C.D. 1 informed GALVAN that he/she had arranged for someone other than C.D. 1 to actually purchase the firearms.
- (4) GALVAN used this approach to purchase multiple firearms from C.D. 1.

D. OVERT ACTS

In furtherance of the conspiracy, and to affect the objects thereof, the conspirators performed, and caused to be performed, among others, the following acts:

- (1) GALVAN communicated frequently with C.D. 1 via text message regarding which firearms to purchase and the price he would pay C.D. 1 for those firearms, as well as

the time and place at which he would pick them up from C.D. 1.

(2) GALVAN drove from south Texas to locations in the greater Houston, Texas area to acquire the firearms in question. After paying C.D. 1, he would take possession of the previously-ordered firearms and transport them to locations outside of Houston, Texas, typically in south Texas.

(3) GALVAN paid for the firearms in cash. He therefore had to obtain cash to complete his purchases.

In violation of Title 18, United States Code, Section 371.

COUNT TWO

(Title 18 U.S.C. §§ 924(a)(1)(A) and 2)

False Statement to a Federal Firearms Licensee, Aiding and Abetting

On or about January 8, 2023, in the Houston Division of the Southern District of Texas, the defendant,

JORGE ALBERTO GALVAN

aided and abetted by another, and those known and unknown to the Grand Jury, knowingly made a false statement and representation to NE Guns, Collectors Firearms Inc., and Top Gun Range, Federal Firearms Licensees licensed under the provisions of Chapter 44 of Title 18, United States Code, with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of a Federal Firearms Licensee. JORGE ALBERTO GALVAN aided and abetted those known and unknown to the Grand Jury in the purchase of the following firearms:

- An FN Herstal, Model Scar 17S, 7.62 caliber rifle, SN: H1C18686
- An FN Herstal, Model Scar 17S, 7.62 caliber rifle, SN: H1C18844
- An FN Herstal, Model Scar 17S, 7.62 caliber rifle, SN: H0C27062

by executing a United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and

Explosives Form 4473, Firearms Transaction Record, to the effect that C.D. 2 was the actual buyer of the aforementioned firearms, whereas in truth and in fact that person was not the actual buyer of the firearms.

In violation of Title 18, United States Code, Sections 924(a)(1)(A), 924(a)(1)(D) and 2.

COUNT THREE

*(Title 18 U.S.C. §§ 924(a)(1)(A) and 2,
False Statement to a Federal Firearms Licensee, Aiding and Abetting)*

On or about January 15, 2023, in the Houston Division of the Southern District of Texas, the defendant,

JORGE ALBERTO GALVAN

aided and abetted by another, and those known and unknown to the Grand Jury, knowingly made a false statement and representation to NE Guns, a Federal Firearms Licensees licensed under the provisions of Chapter 44 of Title 18, United States Code, with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of a Federal Firearms Licensee. JORGE ALBERTO GALVAN aided and abetted those known and unknown to the Grand Jury in the purchase of the following firearms:

- An FN Herstal, Model Scar 17S, 7.62 caliber rifle, SN: H1C17662
- An FN Herstal, Model Scar 17S, 7.62 caliber rifle, SN: H1C18729
- A Barret M107A1, .50 caliber rifle, SN: AE010122

by executing a United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473, Firearms Transaction Record, to the effect that C.D. 2 was the actual buyer of the aforementioned firearms, whereas in truth and in fact that person was not the actual buyer of the firearms.

In violation of Title 18, United States Code, Sections 924(a)(1)(A), 924(a)(1)(D) and 2.

NOTICE OF CRIMINAL FORFEITURE

Pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461, the United States of America hereby gives notice that all firearms involved in, used in, or intended to be used in the commission of the offenses in violation of Title 18, United States Code, Sections 371 and 924(a)(1)(A) which are charged in counts One, Two and Three, are subject to forfeiture.

SUBSTITUTE ASSETS

In the event that any of the property subject to forfeiture, as a result of any act or omission of the Defendant:

- a. cannot be located upon exercise of due diligence;
- b. has been placed beyond the jurisdiction of the Court;
- c. has been transferred or sold to, or deposited with a third party;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

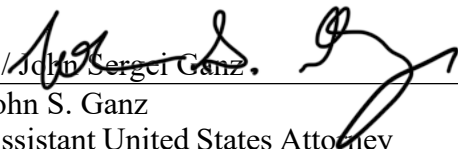
the United States intends to seek forfeiture of any other property of the Defendant up to the value of such property pursuant to Title 21, United States Code, Section 853(p).

A TRUE BILL:

Original Signature on File

FOREPERSON OF THE GRAND JURY

NICHOLAS J. GANJEI
UNITED STATES ATTORNEY



/s/ John S. Ganz
John S. Ganz
Assistant United States Attorney